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UNITED STATES DEPARTMENT OF AGRICULTURE  
RESETTLEMENT ADMINISTRATION  
Land Utilization Division  
Land Use Planning Section

BULLETIN OF FEDERAL AND STATE LEGISLATION AFFECTING LAND USE

No. 27

Fortnight Ending July 15, 1937.

(Primarily for the information of Land Use Planning Personnel of the Resettlement Administration and collaborating offices and agencies.)

Legislatures now in Special Session

Minnesota

Ohio

Legislatures now in Regular Session

Illinois (Adjourned June 30)

Michigan (Recessed June 25 to July 29)

New Jersey (Recessed June 28 to November 15)

Wisconsin (Adjourned July 2)

New Hampshire

I. FEDERAL LEGISLATION

INTERSTATE COMPACTS

H.J.R. 430 Mr. Rogers (Mass.).

To consent to the interstate compact relating to flood control in the Morrimack River Valley entered into under authority of the Flood Control Act of 1936 and ratified by the states of Massachusetts and New Hampshire.

To the Committee on Flood Control June 28.

TENANCY

H. R. 7562 Messrs. Bankhead and Jones.

To promote the ownership of farm homes by authorizing the Secretary of Agriculture, through the Farmers' Home Corporation created under Title IV of the Act, to make loans to farm tenants, laborers and sharecroppers (preference to be given to married persons or those having dependent families), for the purchase of economic farm units. The Secretary is authorized to appoint in each county in which such activities are carried on a county committee of three resident farmers which shall examine applications for loans and appraise the farm for which the application is made, certifying to the Secretary as to the ability and character and likelihood of success upon the



farm. Loans may be made, not exceeding the value of the farm certified by the committee, to acquire, repair and improve the farm for a term of not more than forty nor less than five years at three per cent interest, the contract providing for amortization, prevention of waste, and that proper farming practices as prescribed by the Secretary will be carried out. The borrower shall pay the taxes and insurance and may not transfer or encumber the property without the consent of the Secretary. An appropriation is authorized of \$10,000,000 for fiscal year 1938, \$25,000,000 for 1939, \$50,000,000 for each subsequent year and not exceeding 5 per cent of any annual appropriation may be used for administrative expenses.

Title II provides for rehabilitation loans and funds may be allotted by the President from the Relief appropriations for such loans.

Title III authorizes the Secretary to develop a program of land conservation under which he may purchase submarginal lands. For this purpose there is an authorized appropriation of \$10,000,000 for fiscal year 1938 and \$20,000,000 for each of the two fiscal years thereafter.

Title IV creates and provides for the operation of the corporation but its jurisdiction is limited to tenancy and rehabilitation. It may not exercise any powers under the submarginal purchase program. Property, in the hands of beneficiaries, though title is in the Secretary, is subject to taxation. Property of the corporation or Secretary not in the hands of beneficiaries is tax exempt though the Secretary is authorized to make payments in lieu of taxes.

Report of the Conference of House and Senate adopted by House July 13.

## II. STATE LEGISLATION

(Includes only outstanding proposals likely to be of interest to Legislatures other than the one in which the Bill is introduced.)

### DRAINAGE, IRRIGATION AND FLOOD CONTROL

New Hampshire H. B. 432. Committee on Rules

To establish a water control commission of five commissioners appointed by the governor with the approval of the council. The commission is authorized to make investigations of water levels and rights with a view to controlling such levels and rights. All plans for the construction of dams shall be submitted to the commission for its approval and the commission may make any orders relative to specifications for the safety of such dams. The commission shall inspect all dams from time to time and order the owner to make a requisite repair or reconstruction within a reasonable period to be fixed by the order.

Approved June 17.



New Hampshire H. B. 466. Committee on Rules

To comply with the interstate compact for flood control in the Connecticut River Valley by authorizing the acquisition of lands, easements and rights-of-way essential for flood control purposes.  
Approved June 30.

New Hampshire H. B. 475. Committee on Rules

To provide for cooperation with the Merrimac River Valley Flood Control Commission and to comply with the Interstate Compact concerning flood control on the River by authorizing the acquisition of lands, easements and rights-of-way for carrying out flood control projects.

Approved June 30.

Pennsylvania H. B. 158

To preserve and improve the purity of the waters of the State for the protection of health and aquatic life and prevent stream and water supply pollution.

Approved June 22    Laws 1937    Act. No. 394.

#### GOVERNMENT ORGANIZATION

Colorado H. B. 543 Mr. Hoefnagel

To create a State Board of Forestry to acquire and develop forests, harvest and market the products therefrom, protect the forest lands from erosion, insects, cooperate with private owners for proper forestry measures and practices. The Board is authorized to enter agreements and contracts with federal or other governmental agencies. There is an appropriation of \$2,500.

Approved June 3.

#### GRAZING

California S. B. 326 Messrs. Wagy and Powers

To provide for the distribution of funds received under the Taylor Grazing Act. Such funds shall be paid to the County in which the grazing districts or public land is located. All moneys received from grazing fees of a grazing district shall be credited to the range improvement fund of the grazing district to be expended under the direction of the district advisors for range improvement.

Approved July 1    Laws 1937    Chap. 807.

#### INTERSTATE COMPACTS

Connecticut. H. B. 1659 Committee on Finance.

To ratify the compact with Massachusetts, New Hampshire, and Vermont for the control of floods in the Connecticut River Valley.  
Approved June 22    Laws 1937    Special Act No. 501.

Illinois H. B. 39 Mr. Lewis

To extend the Interstate Oil Compact with Texas, Oklahoma, California, Kansas and New Mexico to September 1, 1939.

Approved June 26.





Oklahoma H. B. 367

To establish a commission on interstate cooperation to cooperate and maintain facilities for communication and negotiation between Oklahoma and other States.

Approved May 22.

#### LAND USE

California Assembly Bill 2055 Mr. Weber

To authorize the governing bodies of cities and counties to control and regulate real estate subdivisions. No land in any subdivisions may be sold until a final map or survey map thereof in compliance with this Act or any local ordinance has been duly recorded. Compliance with regulations or ordinances is a condition precedent to approval by the governing body of such subdivisions.

Approved June 30 Laws 1937 Chap. 670

Connecticut H. B. 968 Mr. Mead

To regulate the subdivision of land. Any town, city or borough having a planning commission may by ordinance provide that such commission shall approve all subdivisions and plats prior to recording if the plats conform to the regulations established by the commission under the authority of this act. No land may be sold with reference to or exhibition of a subdivision or plan unless the plan or subdivision is approved by the planning commission and recorded.

Approved June 16 Laws 1937 Chap. 334.

Florida S. B. 1155 Mr. Tillman

To authorize the Boards of County Commissioners of certain counties to condemn buildings and residences and other structures which are obsolete and dangerous to public health, or as a fire hazard, and sell or destroy such buildings.

Approved June 14.

Missouri. S. B. 41. Mr. Lockridge.

To accept the provisions of the Soil Conservation Allotment Act by the appointment of the Extension Service of the Missouri State University as the agency of the State to administer the plan authorized by the Federal Act. The Extension Service is authorized to formulate and submit to the Secretary of Agriculture a State plan for each year for the purposes and in conformity with the Federal Act. When such plan is approved by the Secretary of Agriculture the Extension Service shall have power to execute the plan with such incidental powers as may be necessary to carry out the purposes of the Act.

Approved June 24.

Oklahoma H. B. 541 Mr. Hughes

To authorize the Board of County Commissioners in any county in a wind erosion area designated by the State Committee, in which no Soil Conservation District has been created and land use re-



gulations have been adopted, to order the eroded land cultivated, plowed, listed, or any other steps necessary to control wind erosion, and if the owner fail to comply, the county board may enter and do the necessary work, assessing the costs against the property and collected as taxes.

Approved May 24.

Oklahoma S. B. 452 Roads and Highways Committee.

To cooperate with the federal government in the construction of secondary or feeder roads and authorizing the state highway commission to enter into the necessary agreements and contracts.

Approved May 22.

## PLANNING

Arizona S. B. 16-XX Mr. Kelly.

To establish a State Planning Board of 11 members with staggered terms appointed by the governor for 6 years for the purpose of making and adopting an official master plan for the physical development of the state with the Commission's recommendations for highways, waterways, flood prevention, parks, forests, grazing areas, prevention of stream pollution; also a land utilization program including the allocation of the land for agriculture, grazing, forestry, recreation, soil conservation, water conservation. The Commission is to advise and cooperate with local planning commissions to coordinate state and local plans and prepare for the governor and legislature drafts of legislation for carrying out the master plan including zoning or land use regulations. There is an annual appropriation of \$5,000.

Introduced June 15.

Colorado H. B. 195 Mr. Graham

To appropriate \$12,000 for the maintenance of the State Planning Board, for the next biennium.

Approved June 3.

Pennsylvania H. B. 1693. Mr. Patterson.

To authorize townships of the second class to adopt and enforce zoning ordinances regulating the location, construction and use of buildings, size of courts and open spaces, density of population and the use of land. This bill is similar to the Standard State Zoning Enabling Act for urban zoning.

Approved July 1, Laws 1937 Act No. 504.

Pennsylvania S. B. 871 Mr. Eroc

To enable counties of the second, third, fourth, fifth, sixth, seventh and eighth class to adopt zoning ordinances, for the purpose of regulating, outside the limits of incorporated municipalities, the height, etc. of buildings and other structures. The uses of buildings for trade, industry, residence, etc., and the use of land for trade, industry, residence, recreation, agriculture, water supply conservation, soil conservation, forestry or other purposes. Of particular interest is the provision that the State Planning Board is given the power of commenting on the recommendations of the County Zoning Commission before they are submitted to the Board of County Commissioners, and the provision that the Board of County Commissioners may devise formulae for compulsory liquidation of non-conforming uses.

Approved June 25. Laws 1937 Act. No. 435



Pennsylvania S. B. 872 Mr. Eroe

To amend the laws relating to second, third, fourth, fifth, sixth, seventh and eighth class counties, relating to county planning commissions. To provide that county planning commissions may be given the duty of serving as county zoning commissions under any county zoning statute which may be enacted; that these commissions shall encourage cooperation and coordination in planning activities within their respective counties; that every plat should be submitted for the comment of the county planning commission before final approval by any city, borough, town or township. Provides for the creation of Regional Planning Commissions to make master plans for regional development. Provides that the governing body of any political subdivision might delegate to the regional planning commission all powers and duties of its own planning commission.

Approved June 25 Laws 1937 Act No. 434

Tennessee H. B. 1292, 1140, 1157, 1158, 1170

To enable the county courts (county boards) of Sullivan, Washington, Unicoi, Carter and Johnson Counties, severally, to adopt and enforce zoning regulations applying outside the corporate boundaries of municipalities, in their respective counties. These bills grant power to regulate the uses of land for residence, recreation, agriculture, forestry, soil conservation and water supply conservation, as well as for the usual objects of a metropolitan type zoning enabling act. The Regional Planning Commission acts as zoning commission for each county. No zoning plan covering an area more or less than that covered in the Commission's recommendations may be adopted by the county court except by a two-thirds vote of its entire membership, unless the commission consent. All other variances from the recommendations of the Commission must be submitted to it for review, and no such variances may be adopted against its advice except by a majority vote of the entire membership of the county court. Provisions are made for the appointment of building commissioners, and, for the rest, these identical acts follow the general lines of the Standard State Zoning Enabling Act.

Approved May 14-21. Cited as Chapters 520, 901, 902, 903 and 904, respectively of the Private Acts 1937.

## PUBLIC FINANCE

Pennsylvania H. B. 1366 Mr. Weiss

To amend the constitution to authorize the issuance of bonds not exceeding \$50,000,000 for the purpose of erecting, constructing and maintaining flood control works and improvements.

Filed with Secretary of State April 27.

## PUBLIC LANDS AND FORESTS

Arizona H. B. 6-XX Mr. Marks

To appropriate \$70,000 to the State Land Board to be used for the State land classification project in cooperation with the W.P.A.

Approved June 19.

Illinois S. B. 139 Mr. Lohmann

To authorize the Department of Conservation to enter into agreements with the federal government to effect cooperative under-





takings in conservation and preservation of game, trees, plants and forests.

Approved July 3.

Illinois S. B. 140 Mr. Lohmann

To authorize the Department of Conservation to exchange lands of the State under its jurisdiction for lands of the Federal Government in the State for forest development.

Approved July 3.

Illinois S. B. 142 Mr. Lohmann

To authorize the Department of Conservation to enter into cooperative agreements with the Federal Government for the management, administration, development and acquisition of forest lands of the United States in the State under the Fulmer Act (Public 395, 74th Congress)

Approved July 3.

Illinois S. B. 143 Mr. Lohmann

To authorize the Conservation Department to establish forest nurseries for planting in State forests. Stock not required in state forests may be sold to land owners for reforestation at cost of production, but all such plantings shall be under plans approved by the Department. Trees for research, experimental and demonstrational plantings may be furnished free to land owners whose plans were approved by the Department.

Approved July 3.

#### REAL PROPERTY

Florida H. B. 1127 Mr. Clement

To create housing authorities in cities and counties for the purpose of providing dwelling accommodations for persons of low income. The property of such authorities, including securities, is declared to be exempt from taxation and assessments, but the housing authorities are authorized to make payments upon agreement with local political subdivisions in lieu of taxes.

Approved June 1.

Florida H. B. 1128 Mr. Clement

To authorize cities and counties to aid housing projects by furnishing parks, streets, improvements and facilities. The political subdivisions may contract with the authority for the payment of such services and facilities.

Approved June 1.

Illinois H. B. 1079 Messrs. Vacco and Adamowski

To create housing authorities in cities and counties for constructing dwelling accommodations for persons of low income. Such housing projects to be tax exempt but political subdivisions are authorized to contract for payment in lieu of taxes.

Introduced June 24.

H. A. Hockley

